

# INFORMAL SECTION ROUGH DRAFT – APRIL 2005

## MICHIGAN DEPARTMENT OF COMMUNITY HEALTH RADIATION SAFETY SECTION IONIZING RADIATION RULES

### DETAILED TABLE OF CONTENTS

	PAGE
<b>PART 3. NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTIONS</b> .....	3-1
<b>R325.xxxx. Purpose and scope</b> .....	3-1
<b>R325.xxx1 Posting of notices to workers</b> .....	3-1
<b>R325.xxx2 Instructions to workers</b> .....	3-2
<b>R325.xxx3 Notifications and reports to individuals</b> .....	3-3
<b>R325.xxx4 Presence of representatives of registrants and workers during inspection</b> .....	3-4
<b>R325.xxx5 Consultation with workers during inspections</b> .....	3-5
<b>R325.xxx6 Requests by workers for inspections</b> .....	3-6
<b>R325.xxx7 Inspections not warranted; informal review</b> .....	3-7

This new part is created by separating the old Part 5 into 2 parts (standards for protection + notices, instructions, and reports...) as was done by NRC and the suggested state regulations (SSRCR) since the last rules revision. SSRCR Part J is used here, with radioactive materials references removed, as the new Part 3.

NUMBERING AND REFERENCES TO THESE SECTIONS WILL BE CHANGED AS RULE NUMBERS ARE DECIDED UPON.

**PART 3. NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTIONS**

**R325.xxxx. Purpose and scope.**

**Rule xxxx.** This part establishes requirements for notices, instructions and reports by registrants to individuals engaged in activities under a registration and options available to such individuals in connection with department inspections of registrants to ascertain compliance with the provisions of the act and rules, and orders issued there under regarding radiological working conditions. The rules in this part apply to all persons who receive, possess, use, own, or transfer radiation machines registered with the department pursuant to part 2 of these rules.

**R325.xxx1 Posting of notices to workers.**

**Rule xxx1. (1)** Each registrant shall post current copies of the following documents:

**(a)** The rules in this part and in part 4 of these rules.

**(b)** The certificate of registration, and conditions or documents incorporated by reference and amendments thereto.

**(c)** The operating procedures applicable to activities under the registration.

**(d)** Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to part 1 of these rules, and any response from the registrant.

**(2)** If posting of a document specified in rule xxx(1)(a) (a), (b), or (c) above is not practicable, the registrant may post a notice which describes the document and states where it may be examined.

**(3)** Department form "notice to employees" shall be posted by each registrant as required by these rules. This form is available on the department web site.

## INFORMAL SECTION ROUGH DRAFT – APRIL 2005

(4) Department documents posted pursuant to subrule (1)(d) shall be posted within 5 working days after receipt of the documents from the department; the registrant's response, if any, shall be posted within five working days after dispatch from the registrant. Such documents shall remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.

(5) Documents, notices, or forms posted pursuant to subrule(1) shall appear in a sufficient number of places to permit individuals engaged in work under the registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

### **R325.xxx2 Instructions to workers**

**Rule xxx2 (1)** All individuals likely to receive an occupational dose:

(a) Shall be kept informed of the storage, transfer, or use of radiation machines in the registrant's workplace;

(b) Shall be instructed in the health protection problems associated with exposure to radiation to the individual and potential offspring, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;

(c) Shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of these rules for the protection of personnel from exposures to radiation;

(d) Shall be instructed of their responsibility to report promptly to the registrant any condition which may constitute, lead to, or cause a violation of the act, these rules, or any unnecessary exposure to radiation;

(e) Shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation; and

(f) Shall be advised as to the radiation exposure reports which workers shall be furnished pursuant to rule xxx3.

(2) The extent of these instructions shall be commensurate with potential radiological health protection problems present in the workplace.

**R325.xxx3      Notifications and reports to individuals.**

**Rule xxx3. (1)** Radiation exposure data for an individual shall be reported to the individual as specified in this rule. The information reported shall include data and results obtained pursuant to these rules, or orders, as shown in records maintained by the registrant pursuant to part 4 of these rules. Each notification and report shall:

**(a)** Be in writing;

**(b)** Include appropriate identifying data such as the name of the registrant, the name of the individual, and the individual's identification number, preferably social security number;

**(c)** Include the individual's exposure information; and

**(d)** Contain the following statement:

"This report is furnished to you under the provisions of Michigan's Ionizing Radiation Rules, Part 3. You should preserve this report for further reference."

**(2)** Each registrant shall furnish to each worker annually a written report of the worker's dose as shown in records maintained by the registrant pursuant to part 4 of these rules.

**(3)** Each registrant shall furnish a written report of the worker's exposure to radiation at the request of a worker formerly engaged in activities controlled by the registrant. The report shall include the dose record for each year the worker was required to be monitored pursuant to part 4 of these rules. Such report shall be furnished within 30 days from the date of the request, or within 30 days after the registrant has determined the dose of the individual, whichever is later. The report shall cover the period of time that the worker's activities involved exposure to radiation and shall include the dates and locations of work under the registration in which the worker participated during this period.

**INFORMAL SECTION ROUGH DRAFT – APRIL 2005**

(4) When a registrant is required pursuant to part 4 of these rules to report to the department any exposure of an individual to radiation, the registrant shall also provide the individual a written report on the exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the department.

(5) At the request of a worker who is terminating employment with the registrant in work involving exposure to radiation, during the current year, each registrant shall provide at termination to each such worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the registrant during the current year or fraction thereof. If the most recent individual monitoring results are not available at that time, a written estimate of the dose shall be provided together with a clear indication that this is an estimate.

**R325.xxx4 Presence of representatives of registrants and workers during inspection.**

**Rule xxx4. (1)** Each registrant shall afford to the department at all reasonable times opportunity to inspect machines, activities, facilities, premises, and records pursuant to these rules.

(2) During an inspection, department inspectors may consult privately with workers as specified in rule xxx5. The registrant may accompany department inspectors during other phases of an inspection.

(3) If, at the time of inspection, an individual has been authorized by the workers to represent them during department inspections, the registrant shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

(4) Each workers' representative shall be routinely engaged in work under control of the registrant and shall have received instructions as specified in rule xxx2.

## INFORMAL SECTION ROUGH DRAFT – APRIL 2005

(5) Different representatives of registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

(6) With the approval of the registrant and the workers' representative, an individual who is not routinely engaged in work under control of the registrant, for example, a consultant to the registrant or to the workers' representative, shall be afforded the opportunity to accompany department inspectors during the inspection of physical working conditions.

(7) Notwithstanding the other provisions of rule xxx4, department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the u.s. government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the registrant to enter that area.

### **R325.xxx5 Consultation with workers during inspections.**

**Rule xxx5. (1)** Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of these rules to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

**(2)** During the course of an inspection, any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which the worker has reason to believe may have contributed to or caused any violation of the act, these rules, or any unnecessary exposure of

**INFORMAL SECTION ROUGH DRAFT – APRIL 2005**

an individual to radiation under the registrant's control. Any such notice in writing shall comply with the requirements of rule xxx6(1).

(3) The provisions of subrule (2) shall not be interpreted as authorization to disregard instructions pursuant to rule xxx2.

**R325.xxx6 Requests by workers for inspections.**

**Rule xxx6. 1)** Any worker or representative of workers believing that a violation of the act, or these rules exists or has occurred in work under a registration with regard to radiological working conditions in which the worker is engaged may request an inspection by giving notice of the alleged violation to the department. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the registrant by the department no later than at the time of inspection except that, upon the request of the worker giving such notice, such worker's name and the name of individuals referred to therein shall not appear in such copy or on any record published, released, or made available by the department, except for good cause shown.

(2) If, upon receipt of such notice, the department determines that the complaint meets the requirements set forth in subrule(1), and that there are reasonable grounds to believe that the alleged violation exists or has occurred, an inspection shall be made as soon as practicable to determine if such alleged violation exists or has occurred. Inspections pursuant to rule xxx6 need not be limited to matters referred to in the complaint.

(3) No registrant, or contractor or subcontractor of a registrant shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under these rules or has testified or is about to testify in any such

**INFORMAL SECTION ROUGH DRAFT – APRIL 2005**

proceeding or because of the exercise by such worker on behalf of such worker or others of any option afforded by this part.

**R325.xxx7      Inspections not warranted; informal review.**

**Rule xxx7. (1)**      If the department determines, with respect to a complaint under rule xxx6, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the department shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the director of the department. Such department will provide the registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The registrant may submit an opposing written statement of position with the department. Such department will provide the complainant with a copy of such statement by certified mail.

**(2)**      Upon the request of the complainant, the department may hold an informal conference in which the complainant and the registrant may orally present their views. An informal conference may also be held at the request of the registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the department shall affirm, modify, or reverse the determination of the department and furnish the complainant and the registrant a written notification of the decision and the reason therefor.

**(3)**      If the department determines that an inspection is not warranted because the requirements of rule xxx6(1) have not been met, the complainant shall be notified in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of rule xxx6(1).